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ANALYSIS OF PERSONAL DATA PROTECTION OF TELECOMMUNICATIONS SERVICE USERS

Itok Dwi Kurniawan[1a*]

[1]Law Department, Faculty of Law, Universitas Sebelas Maret, Jl. Ir. Sutami No. 36A, Kentingan, Jebres, Surakarta, Surakarta, 57121

[a]itokdwikurniawan@staff.uns.ac.id

(*) Corresponding Author
itokdwikurniawan@staff.uns.ac.id

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ABSTRACT

Technological developments in the digital era have implications for global information openness. We can easily find information from all parts of the world. Along with this development, there is a problem that is quite crucial, namely related to the protection of personal data of communication service users. The purpose of writing this article is to determine the legal protection for personal data of telecommunications service users. This article was written using normative legal research methods with a statutory approach. The results of this research show that personal data is part of the right to privacy which is included in human rights so its protection must be guaranteed by law. Misuse of personal data is a form of information technology crime that can be subject to criminal sanctions.

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1. Introductions

The development of information technology today is very fast and different from when it first existed. The era of globalization has placed the role of information technology in a very strategic position where it can be accessed without borders, distance, space and time, increasing productivity and efficiency (Saleh, 2021). Information technology is changing the lifestyle of people around the world, bringing with it rapid and profound changes in the socio-cultural, economic and legal environment. The rapid development of technology, especially in the fields of communication and information, has given birth to various things that make people's daily lives easier.

One area of similar technological development is the field of communication, where smartphones are the most obvious proof of technological development, seeing the development of smartphones increasing rapidly in this era. Simply put, smartphones have the same basic functions as traditional

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telephones, but can be easily carried anywhere, do not need to be connected to a wired telephone network, and as an electronic communication tool simply use a wireless network.

Cell phones or smartphones are rampant in all fields and almost everyone from any economic background can use them for various purposes. The use of information technology not only has a positive impact, but of course also has a negative impact (Nursyifa, 2018). Protecting one's own data and information has human rights implications, based on several high-profile communications crimes. Personal data protection has become a public concern as a result of personal data breaches or use of personal data without the consent of the data owner. This is because the personal security system is still relatively weak, allowing irresponsible parties to obtain data and use it to harm the data owner and other parties. Personal data is certain personal information that is collected, stored and processed fairly and confidentially. Personal information is closely related to individual privacy rights, because individuals have the right to choose whether to share their personal information with others or not.

In principle, the form of support for physical evidence is divided into two forms, namely the form of support for evidence based on the security of the physical evidence, the trustworthiness of visible evidence and evidence that is not visible. The second form of support is the existence of a corner of the statute that clears up the use of evidence by other people who are not entitled to it, the manipulation of evidence for certain purposes, and the destruction of the evidence itself (Rusyadi, 2016).

Based on a number of events at the end of the day, support and solidarity are the end of the evidence and evidence that a person has a human rights issue. The issue of support for isolation or the benefits of isolation arises from the sadness of the attacks of isolation experienced by residents and/or institutions. Privacy protection for every member of the Territory must be respected and provided with support including information privacy (security) where all evidence must be safe and secure for the purpose of being accessed only by interested parties only agreeing to the law and object of recorded evidence

2. Research Method

The research method used in this research is normative legal research, namely when conducting legal or regulatory investigations related to the legal protection of service provider users, when registering a SIM card regarding the obligation to disclose personal data and based on the legal material used. both primary and secondary. secondary The approaches used in this research are the legal approach, conceptual approach and case approach.

The legal materials used in preparing this research are divided into primary and secondary legal materials. Primary legal materials are legal materials that are the basis and basis for studying this research problem. Secondary legal materials are legal materials that support primary legal materials and attempt to provide understanding, explanations and legal theories used to solve problems that arise.

Secondary sources of legal information, namely information from literary research, books related to research on legal protection for service card users in connection with registration of the obligation to provide personal data, reading legal journals and articles. Tertiary legal sources, Additional legal sources that provide guidance from primary and secondary legal sources, e.g. legal dictionary and language dictionary. Legal document cataloging or search techniques are used to obtain primary, secondary and

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tertiary legal documents, classified or grouped and documented, recorded, quoted, summarized and reviewed according to the question being investigated. Document research and library research are methods used by researchers to collect legal materials.

3. Result and Discussion

For verification and validation, prospective customers must use an original KTP according to the population data registered with the Population Service of the Ministry of Home Affairs and the Population Register. Different from the previous new registration mechanism, customers only need to use the registered and related NIK and NKK services. Both dates were verified from the population database of the Directorate General of Population, Ministry of Home Affairs. If the specified status is declared correct, the prepaid number will be activated automatically. If the information is incorrect or not verified, customers must activate it through the operator's gallery or the shop specified by the operator. Foreigners who do not have a Population Identification Number (NIK) must register at the operator's gallery with the appropriate ID, e.g. for example passport/KITAP/KITAS.

There are problems in the provider card registration mechanism according to the latest amendment to Minister of Communication and Information Regulation No. 21 of 2017, namely: mandatory registration for all prepaid customers, verification and validation of customer data, limiting the number of DHFD holdings, cellular operators must ensure the security of customer data.

Often quoted by the Population and Civil Registry Service, data is defined as a collection of observed data in the form of numbers, symbols or characteristics that can describe a situation or problem. Data can also be interpreted as a collection of information or values obtained from observing objects. Good data is reliable and up-to-date information that can cover a wide area or provide a general idea of a problem. Protection of NIK and NKK as personal data is also the right of every consumer. In this case, consumer privacy rights related to NIK and NKK protection are included in consumer rights related to personal data protection, as regulated in Article 26 Personal Data Protection.

Regulation of the Minister of Communication and Information Technology 12 of 2016 concerning Registration of Telecommunication Service Customers as amended by Regulation of the Minister of Communication and Information Technology 21 of 2017 contains three main points: Prepaid card registration is mandatory for prospective and existing customers, while prospective and existing customers are required to send NIK and NKK at the time of registration and information on SIM card registration card holders with NIK numbers in sync with the Head Office to the operator or telecommunications operator. The procedures for registering prepaid customers are regulated in Article 4 (1) of the Minister of Transportation Regulation No. 12 of 2016 concerning Telecommunications Customer Registration as amended by Minister of Communication and Information Technology Regulation No. 21 of 2017 which is currently . carried out Owned by the Telecommunications office. Offices owned by suppliers or partners and independent registration (Sutrisna, 2021).

Article 17 paragraph 4 Minister of Communication and Telecommunications Regulation No. 12 of 2016, amended by Decree of the Minister of Communications and Telecommunications No. 21 of 2017 states that telecommunications providers, if necessary, can show the customer's identity. This can affect the

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confidentiality of customer data and/or identity information. In this case, customer data and/or identity can be disclosed for criminal case investigation upon written request from the Attorney General or Chief of Police, investigators, ministers and government agencies.

Communication service providers have at least one information security certificate according to the ISO 27001 standard in managing customer information. This is explained in Article 17 (5) Minister of Communication and Information Regulation no. 2016. 12 Registration of telecommunications customers as amended by Decree of the Minister of Communication and Information of 2017 No. 21. This regulation has implications for restrictions. the power of telecommunications operators to open customer data on the operator's own servers. This means that telecommunications companies that have received this agreement are subject to limits on how much employees can disclose customer information and/or identities.

Personal data protection is regulated and partly contained in the Decree of the Minister of Communication and Information of 2016 concerning Protection of Personal Data in Electronic Systems and Law Number 19 of 2016 concerning Changes to Electronic Systems. Based on the Information and Electronic Transactions Law no. 11 of 2008. Based on the principle of very obsessive personal data protection, it seems that personal data is a very important thing that must be protected and even guaranteed by state service providers. . NIK and NKK produce population data which includes and includes residents' personal data and registered population data, therefore it is necessary to ensure its security and confidentiality through service providers and through storage in data centers. Personal data protection is also regulated in the 2016 Minister of Communication and Information Technology Regulation concerning Protection of Personal Data in Electronic Systems in Article 26 of Law Number 19 of 2016 concerning Amendments to Principle Number 11 of the Data and Electronic Transactions Law of 2008. Act. Because of several main ways that are so obsessed with protecting personal information, it seems that this personal information is one of the most important things that is protected and even guaranteed by service providers by the government. Resident cards and family card numbers contain personal data which contains personal data which contains a collection of citizen data and data which contains a list of residents, regulations to ensure security and confidentiality, the service provider stores them in the data center (Kosegeran & Rumimpunu, 2021).

Misuse of personal data is any activity that fulfills the elements of a criminal offense as follows: viewed from the perspective of objective and subjective factors, theft and fraud, as well as elements of other criminal acts, in connection with the responsibility of business actors for the loss of personal data, is a civil case that submitted by business actors. You need to prepare the bill. Consumer acceptance and that commercial transactions must comply with redress under consumer protection laws.

Sanctions marked with administrative sanctions are regulated and contained in Article 36(1) of Ministerial Regulation Number 20 of 2016 concerning Protection of Personal Data in Electronic Systems, namely H. Analysis, storage, display, disclosure or even transmission of personal data in electronic systems. Ministerial Regulations These Legislative Regulations or other statutory regulations that provide administrative sanctions can be in the form of verbal warnings, written warnings, temporary suspension of business activities or without permission and/or disseminated and/or posted on a web page (website).

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Apart from administrative sanctions, Law Number 24 concerning Population Management which was promulgated in 2013 contains criminal sanctions contained in Article 95A, where someone who disseminates population data without rights is subject to criminal sanctions with a maximum period of 2 years or a maximum fine of IDR. 25,00,000.

4. Conclusion

From the presentation of the research results above, it is known that legal protection for personal data of telecommunications service users in carrying out prepaid card registration obligations is preventive legal protection, namely preventive legal protection. state sanctions in the form of fines, imprisonment and additional penalties imposed in the event of a dispute or violation, preventive and repressive legal protection before a violation occurs. Preventive legal protection is the highest protection in the prepaid card registration regulations which contain several provisions. Firstly, prepaid customers cannot use telecommunications services until they have properly fulfilled their registration obligations. Second, centralization of power in controlling prepaid card registration.

Telecommunications companies require permission from the Ministry of Home Affairs (in this case the Directorate General of Population and Civil Affairs) to verify the information and/or identity of customers provided during registration. Third, communication service providers who disclose customer information/identity may be subject to administrative and/or criminal sanctions. Fourth, there are exceptions to the confidentiality of customer information and/or identity for criminal proceedings. Fifth, the power of service providers to share customer data and personally identifiable information is limited.
Legal action that can be taken by telecommunications customers for misuse of personal data in connection with SIM card registration is subject to sanctions, while customers have two sanctions, namely administrative sanctions based on Article 36 (1) of the Ministry of Transportation. attitude and Information Technology No. 20 of 2016 concerning Protection of Personal Data in Electronic Systems. Administrative sanctions include verbal warnings, written warnings, temporary suspension and/or notifications on the website. In addition, the penalty can be up to two years in prison and/or a fine of up to Rp. 25,00,000

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